



Patent
Attorney Docket: 728256-100255

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)
)
Halasz, Christopher Lee)
)
Serial No.: 09/927,484)
)
Filed: August 10, 2001)
)
For: Improved Flashlight)
_____)

Group Art Unit: 2875
Examiner: Ton, Anabel M.

RESPONSE

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicant respectfully submits the following Response to the Office Action dated May 21, 2003. As previously requested via correspondence, dated February 14, 2003, please direct all future communication concerning this application to Jones Day, 555 West Fifth Street, Suite 4600, Los Angeles, CA 90013-105 (Customer Number 501432).

I. Anticipation Rejections Based on Yu

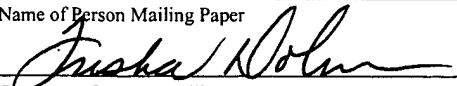
In the Office Action, dated May 21, 2003, the Examiner rejected pending claims 1-5 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,816,684 (Yu). In support of these rejections, the Examiner stated:

CERTIFICATE OF MAILING
(37 C.F.R. § 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Mail Stop Non-Fee Amendment, Commissioner for Patents, Alexandria, VA 22313-1450.

August 21, 2003
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LAI-2060352v1

Trisha Dolman
Name of Person Mailing Paper


Signature of Person Mailing Document

Yu discloses a flashlight comprising a body for retaining at least one battery (12), said body having serrations on an exterior surface to facilitate desired angular adjustment of said body (serrated portion of 14); a base portion in pivot connection with said body (40), said base portion having a pivot stop to facilitate desired angular adjustment of said body (28); and a lamp attached to said body, and selectively connected to said at least one battery to cause the lamp to emanate light (14); the pivot connection allows a low profile positioning of the lamp with respect to the users line of vision (col. 3 lines 40-45); the pivot connection allows for 180 degree angular adjustment of the body and the lamp with respect to the base portion; the body comprises a top portion and a bottom portion the bottom portion having threading (38)

The Applicant respectfully traverses these rejections as follows:

1. The Yu reference does not disclose a flashlight body having serrations on an exterior surface. Yu never mentions any serrations. Nor do the accompanying drawings clearly indicate any serrations. Further, even if one were to conclude that one or more of the drawings illustrate serrations on the front end of the body (14), there is no teaching or suggestion that any of these alleged serrations are designed to facilitate desired angular adjustment of the body.

2. The Yu reference also fails to disclose a base portion having a pivot stop to facilitate desired angular adjustment of the body. In fact, the feature cited by the Examiner (and designated with the number (28)) is merely characterized as an "attachment point."

3. The Yu reference also does not teach or suggest that the pivot connection allows a low profile positioning of the lamp with respect to the user's line of vision. Applicant respectfully submits that the Examiner's citation to Column 3, Lines 40-45, is misplaced. Specifically, this passage from Yu merely states: "[t]hus, the present invention provides a

flashlight which is comfortable for hand-held use as well as providing a flexible yet stable support system for the flashlight so that the flashlight is able to shine light in the required work areas on whatever surface is desired." No mention of a low profile positioning and/or the user's line of vision is ever made.

4. Finally, the Yu reference also fails to disclose a body with a bottom portion having threading. Yu never mentions any threadings. Nor do the accompanying drawings clearly indicate any threadings. In fact, the feature cited by the Examiner (and designated with the number (38)) is merely characterized as a "pivot assembly."

II. Anticipation Rejections Based on Maglica

In the Office Action, dated May 21, 2003, the Examiner rejected pending claims 20-22, 24, and 25 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,577,263 (Maglica). In support of these rejections, the Examiner stated:

Maglica discloses a body for retaining at least one battery (21) a head assembly for retaining a reflector and a lamp said lamp selectively connected to at least one battery to cause said lamp to emanate light; said reflector movable relative to said lamp whereby axial movement of said head assembly causes axial movement of said reflector together with said lamp and further axial movement of said head assembly causes axial movement of said reflector relative to said lamp (Abstract, fig 2); the head assembly is movable relative to a switching assembly and axial movement of said head assembly causes axial movement of said switching assembly together with said reflector (col. 2 lines 56); the head assembly includes a bezel and rotation of said bezel causes axial movement of said switching assembly; said head assembly moves axially toward said at least one battery (abstract); further axial

movement of said head assembly is toward said at least one battery
(abstract)

The Applicant respectfully traverses these rejections as follows:

1. The Maglica reference does not disclose a device whereby axial movement of the head assembly causes axial movement of the reflector together with the lamp. In fact, axial movement of the head assembly never causes axial movement of the lamp.
2. The Applicant is unsure what structure the Examiner considers to be the "switching assembly" disclosed in the Maglica reference and respectfully requests that the Examiner provide further clarification. However, the Applicant respectfully notes that there does not appear to be any structure disclosed in Maglica that can reasonably be characterized as a "switching assembly" and that moves together with the reflector, in an axial direction, in response to axial movement of the head assembly.
3. As stated above, the Applicant is unsure what structure the Examiner considers to be the "switching assembly" disclosed in the Maglica reference and respectfully requests that the Examiner provide further clarification. However, the Applicant also respectfully notes that there does not appear to be any structure disclosed in Maglica that can reasonably be characterized as a "switching assembly" and that moves in an axial direction in response to rotation of the bezel. In fact, given the threadable connection between the bezel and the remainder of the head assembly, it would appear that rotation of only the bezel (as opposed to the entire head assembly) in Maglica would result in the axial movement of no other structural element (with the possible exception of the lens and/or the reflector).
4. Finally, the Applicant is unsure as to the meaning of the Examiner's two concluding phrases. Applicant therefore respectfully requests that further explanation be

provided in support of the Examiner's rejections of claims 24 and 25 based on the Maglica reference.

III. Obviousness Rejections Based on Yu and Chen

In the Office Action, dated May 21, 2003, the Examiner rejected pending claims 6 and 15-19 under 35 U.S.C. §103(a) as being obvious over United States Patent No. 5,816,684 (Yu) in light of United States Patent No. 5,605,394 (Chen). In support of these rejections, the Examiner stated:

Yu discloses the claimed invention except for a head assembly that includes a lamp, the head assembly removably attached to the body and capable of selectively electrically connecting said lamp to each battery, said switching assembly adapted to cause electrical coupling of said lamp when said head assembly is rotated and a head fitting means affixable to said base portion.

The Examiner also stated:

Chu [sic] discloses a head assembly removably attached to the body (flashlight) and capable of selectively electrically connecting said lamp to each battery (fig 3), said switching assembly adapted to cause electrical coupling of said lamp when said head assembly is rotated (20) and a head fitting means affixable to said base portion (22, 131).

The Applicant respectfully traverses these rejections as follows:

1. The Applicant respectfully submits that the first statement is incorrect with respect to pending claim 6 for all of the reasons stated above in connection with the Examiner's rejection of pending claim 1. Further, the Yu reference fails to disclose a base portion that is affixable to head gear.

2. The Applicant also respectfully submits that the first statement is incorrect with respect to pending claim 15. In particular, the Yu reference fails to disclose, at a minimum, all of the following claimed features: (1) a lamp removably attached to the body; (2) a switching assembly adapted to cause electrical coupling of said lamp when the head assembly is rotated; and (3) a head fitting means affixable to the base portion.

3. The Applicant respectfully submits that the first statement is incorrect with respect to pending claim 16 for all of the reasons stated above in connection with pending claim 15. Further, the Yu reference fails to disclose, at a minimum, a device wherein rotation of the bezel causes axial movement of the switching mechanism and the reflector.

4. The Applicant also respectfully submits that the first statement is incorrect with respect to pending claim 17 for all of the reasons stated above in connection with pending claim 16. Further, the Yu reference fails to disclose, at a minimum, a switching assembly wherein axial movement of the assembly toward at least one battery causes electrical coupling of the lamp.

5. The Applicant also respectfully submits that the first statement is incorrect with respect to pending claim 18 for all of the reasons stated above in connection with pending claim 16. Further, the Yu reference fails to disclose, at a minimum, a switching assembly including at least two springs.

6. The Applicant also respectfully submits that the first statement is incorrect with respect to pending claim 19 for all of the reasons stated above in connection with pending claim 15. Further, the Yu reference fails to disclose, at a minimum, a axis of the pivot connection located a distance from an axis of a center of at least one battery to facilitate angular adjustment of the body with respect to a user's desired line of vision.

7. The Chen reference does not disclose a head assembly removably attached to the body of a flashlight. While the head of the flashlight is shown separated from the body of the flashlight in Fig. 3, this depiction is merely for illustrative purposes only (i.e., an exploded view diagram). As provided in the Chen specification, the head and the body of the flashlight are always connected by wires (not shown). See, generally, Column 2, Line 35.

8. The Chen reference also fails to disclose a switching assembly adapted to cause electrical coupling of the lamp when the head assembly is rotated. There is no suggestion or teaching in Chen that the electrical coupling of the lamp to the power source is related, in any way, to the rotation of the head assembly. The existence of wires connecting the head assembly and the body of the flashlight suggests that the switching mechanism is independent of the rotation of the head assembly with respect to the body. In fact, when discussing a switch, Chen merely states that "[t]he means for switching the flashlight...may be of any structure well known to those skilled in the art and are not considered a part of the invention." See, Column 2, Lines 8-12.

IV. Objection to Pending Claim 23

In the Office Action, dated May 21, 2003, the Examiner objected to pending claim 23 as being dependant on a rejected base claim (pending claim 20). However, as detailed above, the applicant respectfully submits that the Examiner's rejection of independent claim 20 is without merit. Thus, claim 23 requires no amendment.

V. Conclusion


Based on the foregoing, the Applicant respectfully submits that all of the Examiner's rejections have been traversed and pending claims 1-11 and 15-30 are all in condition for

allowance. If such is not the case, the Examiner is kindly requested to contact the undersigned in an effort to satisfactorily conclude prosecution of the application.

Respectfully submitted,

JONES DAY

Dated: August 21, 2003

By: 
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